

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EUGENE BONDAR,

Plaintiff,
-against-

GALLERY AT FULTON STREET, LLC,

Defendant.

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REPORT AND
RECOMMENDATION
CV-02-4568 (CPS)

During a conference held on October 10, 2003, plaintiff's counsel advised me that he sought to be relieved. I scheduled a conference to hear the motion for October 28, 2003, and directed that plaintiff Bondar appear in person on that date. Plaintiff's counsel sent his client a letter on October 10, 2003 by certified mail, advising Bondar of the hearing date and warning him that failure to appear "might well jeopardize your case." Nevertheless, plaintiff failed to appear for the hearing on October 28, 2003 as directed.

By Order dated October 28, 2003, I granted the motion of plaintiff's counsel to be relieved. I further directed that plaintiff advise this Court whether he seeks to continue his action by November 17, 2003, and alerted plaintiff that failure to comply would result in a recommendation that this action be dismissed. Finally, my Order directed plaintiff's counsel to serve the order upon plaintiff at his last known address. Docket Entry 13.

Plaintiff has failed to respond in any way to my Order of October 28, 2003. I therefore respectfully recommend that plaintiff's claims be dismissed. Any objections to this report and recommendation must be filed with the Clerk of the Court, with copies provided to the Honorable Charles P. Sifton, within ten days of receipt and in any event no later than January 2, 2004. Failure to file timely objections may waive the right to appeal the District Court's order. See 28 U.S.C. §636(b) (1); Fed.R.Civ.P. 6(a), 6(e), 72; Small v. Secretary of Health and Human Services, 892 F.2d 14, 15 (2d Cir. 1989).

STEVEN M. GOLD
United States Magistrate Judge

Brooklyn, New York
December 11, 2003

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